S.B. CIVIL WRIT PETITION NO.6738/2007

Bhupendra Singh and others.

vs.

Udai Singh and ors.

Date : 22.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.PS Bhati, for the petitioners.

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Heard learned counsel for the petitioners.

In the suit filed in the year 1983, an application was submitted by the petitioner for drawing presumption under Section 90 of the Evidence Act about the Will, which original was not produced and its copy was produced in the trial court under Section 65 of the Evidence Act.

The trial court rejected the petitioner's said application under Section 90 of the Evidence Act.

After going through the facts of the case, I do not find any reason to interfere in the impugned order passed by the trial court as under Section 90 of the Evidence Act, only presumption

is drawn and that is not conclusive proof and the petitioners have right to prove the document otherwise.

In view of the above, I do not find any illegality in the impugned order. Accordingly, this writ petition having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya